

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMIL CURETON,

Plaintiff,

v.

CASE NO. 16-CV-12628
HON. GEORGE CARAM STEEH

ANTHONY VANCE, et al.,

Defendants.

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ORDER DENYING PLAINTIFF'S MOTION FOR TIME EXTENSION

Pro se Plaintiff Jamil Cureton filed an untimely notice of appeal which the Sixth Circuit remanded to this court to consider in the first instance whether Plaintiff's time for filing a notice of appeal should be extended pursuant to Fed. R. App. P. 4(a)(5). Plaintiff alleges cause exists for his untimeliness because as a pro se litigant, he was unaware of the filing deadline until he conducted a Google search sometime after the deadline had passed, and was unaware that he could proceed without paying the filing fee. Defendants oppose the time extension sought on the grounds that Plaintiff has not shown "excusable neglect or good cause" as required under Fed. R. App. P. 4(a)(5)(A)(ii). Plaintiff's only basis for the time extension is his ignorance of the law.

“Excusable neglect has been held to be a strict standard which is met only in extraordinary cases.” *Nicholson v. City of Warren*, 467 F.3d 525, 526 (6th Cir. 2006). Plaintiff has not demonstrated any extraordinary circumstances beyond his power of control which would justify his late filing. “Ignorance of the rules or mistakes in construing the rules do not usually constitute excusable neglect.” *Id.* (citing *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P’ship*, 507 U.S. 380, 392 (1993)). Even “mistakes by those who proceed without counsel are not necessarily excusable.” *Id.* at 527 (citing *McNeil v. United States*, 508 U.S. 106, 113 (1993)). Here, Plaintiff has not offered any reason, other than his own lack of diligence, for failing to meet the deadline for filing his notice of appeal. Accordingly, Plaintiff’s motion for a time extension to file his notice of appeal (Doc. 27) is DENIED.

IT IS SO ORDERED.

Dated: January 10, 2018

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 10, 2018, by electronic and/or ordinary mail and also on Jamil Cureton, 801 East Woodcroft Parkway, Apt. 1831, Durham, NC 27713.

s/Barbara Radke
Deputy Clerk